

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK TINNENY,

Plaintiff,

v.

MIKE WEILBACHER,

STEVE GOIN,

BINNY MEIGS,

TOM LANDSMANN,

ANNA MUESER,

ECHELON PROTECTION AND

SURVEILLANCE, ECHELON

EMPLOYEE JOHN DOE #1, ECHELON

EMPLOYEE JOHN DOE #2, ECHELON

EMPLOYEE JOHN DOE #3,

SCHUYLKILL CENTER FOR

ENVIRONMENTAL EDUCATION, and

BOARD OF TRUSTEES SCHUYLKILL

CENTER FOR ENVIRONMENTAL

EDUCATION,

Defendants.

CIVIL ACTION

NO. 15-753

ORDER

AND NOW, this 19th day of January, 2017, upon consideration of Schuylkill Center for Environmental defendants' Motion to Dismiss or, in the Alternative, Motion for More Definite Statement (Doc. No. 7, filed August 12, 2015), Defendant Echelon's Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. No. 8, filed August 13, 2015), *pro se* plaintiff's Response to Motions to Dismiss (Doc. No. 66, filed January 9, 2017), and Echelon Protection and Surveillance's Reply in Further Support of Its Motion to Dismiss Plaintiff's Complaint (Doc. No. 67, filed January 18, 2017), for the reasons set forth in the accompanying Memorandum dated January 19, 2017, **IT IS ORDERED** as follows:

1. Schuylkill Center for Environmental Education defendants' Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**.¹ The Motion is **GRANTED** as to plaintiff's claims for

¹ Schuylkill Center for Environmental Education defendants shall be identified as "SCEE defendants" in this Order.

hostile work environment under Title VII, violation of the Equal Pay Act, violation of the First Amendment, defamation, and wrongful discharge against all SCEE defendants, and all such claims are **DISMISSED WITH PREJUDICE**. The Motion is **GRANTED** with respect to plaintiff's wrongful discharge claim against SCEE, and such claim is **DISMISSED WITH PREJUDICE**. The Motion is **DENIED** with respect to plaintiff's retaliation claim under Title VII against SCEE;

2. The caption of the case is **AMENDED** to remove individual SCEE defendants Mike Weilbacher, Steve Goin, Binny Meigs, Tom Landsmann, Anna Mueser, and Board of Trustees Schuylkill Center for Environmental Education as all claims against them have been dismissed with prejudice under Paragraph 1 above;

3. Echelon Protection and Surveillance's Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**. The Motion is **GRANTED** with respect to plaintiff's claim for invasion of privacy and that claim is **DISMISSED WITH PREJUDICE**. The Motion is **DENIED** as to plaintiff's claims for assault against Echelon Employees John Doe #1, John Doe #2, John Doe #3, and Echelon Protection and Surveillance, and plaintiff's claims for battery against John Doe #3 and Echelon Protection and Surveillance;

4. Plaintiff's Petition for a Preliminary Injunction (Doc. No. 1, filed August 5, 2015) is **DENIED**.

IT IS FURTHER ORDERED that a Preliminary Pretrial Conference will be scheduled in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.